

ER

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPHANIE ZBOROWSKY,

Plaintiff,

v.

CLIENT SERVICES, INC.,

Defendant.

Civil Action No. **19** **1593**

**DEFENDANT CLIENT SERVICES, INC.'S
NOTICE OF REMOVAL**

Defendant Client Services, Inc. ("**Defendant**") files this *Notice of Removal* of this action from the Court of Common Pleas of Chester County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania as follows:

1. Plaintiff Stephanie Zborowsky ("**Plaintiff**") filed her *Original Complaint* on March 19, 2019, in the Court of Common Pleas of Chester County, Pennsylvania.
2. This is a civil action based on Plaintiff's contentions that Defendant has violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (the "**FDCPA**").
3. Removal is proper because this case involves a federal question—alleged violations of the FDCPA. Therefore, the entire suit is removable under 28 U.S.C. §1441(a).
4. Removal is timely pursuant to 28 U.S.C. §1446(b) because Defendant has filed this Notice of Removal within 30 days of receipt of Plaintiff's Original Complaint. Plaintiff served the Original Complaint upon Defendant on or about March 22, 2019.
5. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

6. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, orders and other papers filed in this action and obtained by Defendant are attached hereto and marked as composite **Exhibit 1** and incorporated herein by reference.

7. A copy of this Notice of Removal has been sent to Plaintiff and will be filed with the clerk of the Court of Common Pleas of Chester County, Pennsylvania.

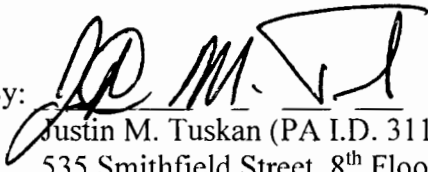
8. A jury demand was made in state court.

For the above reasons, Defendant Client Services, Inc. requests that this Court assume full jurisdiction over the proceeding as provided by law.

Respectfully Submitted,

Date: April 11, 2019

METZ LEWIS BRODMAN MUST
O'KEEFE LLC

By: 
Justin M. Tuskan (PA I.D. 311235)
535 Smithfield Street, 8th Floor
Pittsburgh, PA 15222
Phone: (412) 918-1100
Fax: (412) 918-1199
jtuskan@metzlewis.com
*Attorneys for Defendant Client
Services, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Removal was served upon the following this 11th day of April, 2019 via Electronic Mail and First-Class U.S. Mail, postage pre-paid:

Fred Davis
Davis Consumer Law Firm
2300 Computer Road, Suite G39
Willow Grove, PA 19090
fdavis@usacreditlawyer.com
Attorney for Plaintiff

METZ LEWIS BRODMAN MUST
O'KEEFE LLC


Justin M. Tuskan

Fred Davis, Esq.
Identification No. 93907
DAVIS CONSUMER LAW FIRM
2300 Computer Rd.-Ste G39
WILLOW GROVE, PA 19090
(T)1-855-432-8475/(F)1-855-435-9294
fdavis@usacreditlawyer.com

ATTORNEY FOR PLAINTIFF

THIS IS AN ARBITRATION MATTER
ASSESSMENT OF DAMAGES
HEARING IS REQUESTED.



STEPHANIE ZBOROWSKY
519 Inman Terrace
WILLOW GROVE, PA
19090

COURT OF COMMON PLEAS
CHESTER COUNTY

Plaintiff

CIVIL ACTION

v.

CLIENT SERVICES INC.
3451 Harry S. Truman Blvd.
St. Charles, MO
63301-4047

DOCKET NO.:

Defendant

NOTICE TO DEFEND
CODE: 1900

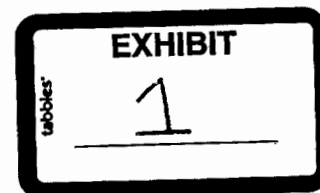
You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

CHESTER COUNTY BAR ASSOCIATION-LAWYER REFERRAL& INFO SERVICE

Chester Bar Association
15 W Gay St #2,
West Chester, PA
19380
Phone: (610) 692-1889

2019-02914-MJ



AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas de estas demandas expuestas an las paginas signientes, usted tiene veinte (20) dias de plazo al partir de ia fecha de la demanda y ia notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, le corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u ostros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

SERVICIO DE REFERENCIA LEGAL

Colegio de Abogados de Chester
15 W Gay St #2,
West Chester, PA
19380
Phone: (610) 692-1889

Fred Davis, Esq.
 Identification No. 93907
 DAVIS CONSUMER LAW FIRM
 2300 Computer Rd.-Ste G39
 WILLOW GROVE, PA 19090
 (T)1-855-432-8475/(F)1-855-435-9294
fdavis@usacreditlawyer.com

ATTORNEY FOR PLAINTIFF

THIS IS AN ARBITRATION MATTER
 ASSESSMENT OF DAMAGES
 HEARING IS REQUESTED.



STEPHANIE ZBOROWSKY
 519 Inman Terrace
 WILLOW GROVE, PA
 19090

Plaintiff

v.

CLIENT SERVICES INC.
 3451 Harry S. Truman Blvd.
 St. Charles, MO
 63301-4047

Defendant

COURT OF COMMON PLEAS
 CHESTER COUNTY

CIVIL ACTION

DOCKET NO.:

COMPLAINT

1. Plaintiff, STEPHANIE ZBOROWSKY, is an adult individual citizen and legal resident of the State of Pennsylvania, living at 519 Inman Terrace, Philadelphia, PA, 19090.

2. Defendant, CLIENT SERVICES INC., is a business corporation qualified to and regularly conducting business in, the Commonwealth of Pennsylvania, with its legal residence and principal place of business at 3451 Harry S. Truman Blvd., St. Charles, MO 63301-4047. Defendant can be served at that address.

3. Plaintiff avers that at all times material hereto, Defendant acted by and through its authorized agents, servants, officers, and/or employees, including Defendant, all of whom were acting within the scope of their employment.

JURISDICTION AND VENUE

4. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction”.

5. Defendant regularly conducts business in the State of Pennsylvania and in the County of Chester, therefore, personal jurisdiction is established.

6. Venue is proper in Chester County pursuant to Pennsylvania Rule(s) of Civil Procedure §§1006 and 2179.

7. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

PARTIES

8. Plaintiff is a natural person residing in Willow Grove, PA. Some/all of the transactions comprising the alleged debt occurred in Chester County.

9. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3). The transactions comprising the alleged debt were for consumer related purchases, such as household goods, food, clothing, etc.

10. Defendant, CLIENT SERVICES INC., is a company handling debt collection matters with headquarters located at 3451 Harry S. Truman Blvd., St. Charles, MO 63301-4047.

11. Defendant is a debt collector as that term is defined by 15 U.S.C. §1692a(6), and sought to collect a consumer debt from Plaintiff, as the alleged debt in questions stems from the acquisition of personal goods and services, such as household items, clothing, groceries, etc.

12. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and

insurers.

FACTUAL ALLEGATIONS

13. Throughout the past year, Defendant has contacted Plaintiff attempting to collect a debt it alleges originated with "Synchrony Bank Amazon.com Store Card". *See Exhibits "A" and "B"*.

14. Plaintiff alleges and avers that Defendant misrepresented the status and legal nature of the alleged account, as there is no proof Defendant owes anything to "SYNCHRONY BANK AMAZON.COM STORE CARD" and Defendant thereby violated 15 U.S.C §1692e(2).

15. Plaintiff alleges and avers that Defendant contacted Plaintiff at irregular times and places, and often times hung up before identifying itself, only to call right back, in violation of 15 U.S.C. §§ 1692c(a)(1) and d.

16. Plaintiff alleges and avers that Defendant sought to collect amounts comprised largely of improper fees and/or interest, and Defendant's collection efforts were thus in violation of 15 U.S.C. §§1692e and f.

17. Plaintiff alleges and avers that the reference to breaking the balance into 3 monthly payments, 6 monthly payments, etc" without informing Plaintiff the amount of each payment is misleading and Defendant thereby further violated 15 U.S.C. §§§1692e(2), (5) and f(1).

18. Plaintiff alleges and avers that Defendant's letter fails to inform Plaintiff that litigation premised on the alleged debt is barred by the applicable statute of limitations, and that any payment or confirmation could re-start the statute, and Defendant thereby violated 15 U.S.C. §1692e(2).

19. Plaintiff alleges and avers that the absence of any information regarding Plaintiff's legal rights is an deliberate attempt to confuse Plaintiff into contacting Defendant and paying an inflated sum for a bogus debt or waiving legal defenses, in violation of 15 U.S.C. §1692g. *Id.*

COUNT I
THE FAIR DEBT COLLECTION PRACTICES ACT ("FDCPA")

20. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or more of the following ways:

- a. Harassing, oppressing or abusing Plaintiff in connection with the collection of a debt in violation of 15 U.S.C. § 1692d.
- b. Using misrepresentations or deceptive means to collect a debt in violation of 15 U.S.C. § 1692e(10).
- c. Using unfair or unconscionable means to collect a debt in violation of 15 U.S.C. §1692f.
- d. By acting in an otherwise deceptive, unfair and unconscionable manner and failing to comply with the FDCPA.

WHEREFORE, Plaintiff, STEPHANIE ZBOROWSKY, respectfully prays for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Statutory damages of \$1,000.00 for each violation of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- d. Any other relief deemed appropriate by this Honorable

Court.

COUNT TWO
THE PENNSYLVANIA UNFAIR TRADE PRACTICES ACT AND CONSUMER
PROTECTION LAW ("UFTPL")

21. Plaintiff hereby incorporates all facts and allegations specified in paragraphs above, by reference as if fully set forth at length.

22. Plaintiff is a "Person" as defined by 73 P.S. § 201-2(2).

23. Defendant is a "Person(s)" as defined by 73 P.S. § 201-2(2).

24. The Pennsylvania Unfair Trade Practices and Consumer Protection Act, 73 P.S. § 201-2(4), defines "unfair or deceptive acts or practices" to include the following:

(a) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services;

(b) Causing likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, another;

(c) Engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding;

(d) Any violation of 73 Pa. Cons. Stat. Ann. § 2270.

25. Plaintiff alleges and avers that Defendants violated the Act by misrepresenting that any debt was owed, and further by claiming that improper fees and exorbitant charges were part of the alleged debt, and that Defendant's conduct complained of herein paragraphs amounts to violations of the Fair Credit Uniformity Extension Act, 73 Pa. C.S. § 2270, et seq. and is thus a concomitant violation of the Unfair Trade Practices Act.

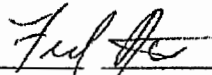
26. Plaintiff further alleges and avers that Defendant's misleading reference to account ownership, unspecified fees and interest, misreporting of credit information and misrepresentations surrounding the alleged debt was done to confuse and deceive Plaintiff into thinking the debt was legitimate, and Defendant thereby violated the Act.

27. The UTPCPL authorizes the Court, in its discretion, to award up to three (3) times the actual damages sustained for violations, and/or \$100.00 for statutory damages. Plaintiff avers entitlement to all actual and statutory damages, as well as written confirmation that Defendant has properly reported to the relevant credit bureaus accurate information surrounding the invalidation of the bogus "debt", plus treble that amount, and attorney fees and costs, for Defendant's per se and statutory violations of Pennsylvania Law.

DAVIS CONSUMER LAW FIRM

By:

/s/



Fred Davis-PA ID# 93907

Attorney for Plaintiff, STEPHANIE ZBOROWSKY

2300 Computer Rd.-Ste G39

Willow Grove, Pa 19090

Tel - 1-855-432-8475/Facsimile-1-855-435-9294

Email: fdavis@usacreditlawyer.com

V E R I F I C A T I O N

Fred Davis, states that he is the attorney for the Plaintiff herein; that he is acquainted with the facts set forth in the foregoing Complaint; that same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the Penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsifications to authorities.

DAVIS CONSUMER LAW FIRM

By: /s/



Fred Davis-PA ID# 93907

Attorney for Plaintiff, STEPHANIE ZBOROWSKY

2300 Computer Rd.-Ste G39

Willow Grove, Pa 19090

Tel -- 1-855-432-8475/Facsimile-1-855-435-9294

Email: fdavis@usacreditlawyer.com

EXHIBIT

“A”



3451 Harry S Truman Blvd.
Saint Charles, MO 63301-4047

CREDITOR: Synchrony Bank Amazon.com Store Card
ACCOUNT NUMBER: XXXXXXXXXXXX6145
BALANCE DUE: \$3,376.94
REFERENCE NUMBER: 26863419

Office Hours (Central Time)
Monday-Thursday: 8am-8pm
Friday: 8am-5pm
Saturday: 7am-11am
Sunday: Closed

PHONE: 877-552-5924

DATE: 10/8/2018

PAYMENT OPTION NOTICE

Dear Valued Customer:

In an effort to resolve the above-referenced account, we are authorized to discuss payment options. We have many payment options that may meet your individual needs, including breaking the balance into 3 monthly payments, 6 monthly payments, or 12 monthly payments.

I want to work with you to find a payment solution that fits your needs. Please call me at 877-552-5924.

I look forward to working with you to resolve this balance.

Josh Pinkowski
Client Services, Inc.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

FOR IMPORTANT RIGHTS AND PRIVILEGES WHICH MIGHT APPLY TO YOUR STATE OF RESIDENCE,
PLEASE SEE BELOW OR REVERSE SIDE (IF FAXED THEN FOLLOWING PAGE).

	Send your payment in the enclosed envelope using the remittance coupon below.		Online: www.osiconsumercenter.com
	Pay-by-Phone: 1-877-552-5905		If you are unable to pay the balance in full, contact our office at 877-552-5924 for payment options, which may be available to you.

PO Box 1586
Saint Peters, MO 63376

REFERENCE NUMBER 26863419

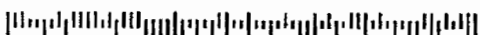
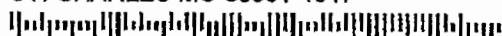
AMOUNT ENCLOSED



Checks Payable To: Client Services, Inc.

REMIT TO:

CLIENT SERVICES, INC.
3451 HARRY S. TRUMAN BLVD
ST. CHARLES MO 63301-4047



STEPHANIE ZBOROWSKY
519 INMAN TER
WILLOW GROVE PA 19090-3613



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